

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

DRUCKER TECHNOLOGIES, INC.,	§
Plaintiff,	§
	§
vs.	§ CIVIL ACTION NO. 3:10-CV-00441-B
	§
KENNETH O'KELLY, an individual	§
	§
And	§
	§
NUTRA LAB, a business entity,	§
	§
Defendants.	§

**DRUCKER'S MOTION FOR AN ORDER SETTING COURT-SUPERVISED
SETTLEMENT CONFERENCE OR COMPELLING EARLY MEDIATION**

I. Introduction and Argument

On October 5, 2010, this Court granted the parties' joint motion for an extension to comply with the Court's Order to Submit Final Papers (Doc 21) until today, October 15, 2010. Counsel for Drucker Technologies, Inc. ("Drucker") endeavored to reach agreement with Defendant Kenneth O'Kelly, *pro se*, and it is believed substantial progress was made. However, agreement could not be reached.

Although agreement could not be reached by negotiations between counsel for Drucker and Mr. O'Kelly directly, the nature of the unresolved issues is such that counsel for Drucker believes that either a Court-supervised Settlement Conference or an early mediation would be likely to bridge the parties' differences, avoiding the need for the Court to expend judicial resources deciding the motions presently pending before the Court, and reducing the resources to be expended by the parties in discovery and trial.

The undersigned counsel for Drucker requested Mr. O'Kelly's consent to the

present motion. Mr. O'Kelly stated that he would consent if he could participate by telephone, but not otherwise. It is respectfully submitted, however, that permitting Mr. O'Kelly to participate by telephone is unlikely to be effective.

II. Conclusion

For the forgoing reasons, it is respectfully submitted that this Court should order either a Court-supervised Settlement Conference or an early mediation, and that the parties should be ordered to appear personally. A proposed form of Order granting the requested Court-supervised Settlement Conference or early mediation is being emailed to the Court in accordance with the Court's procedures.

Date: October 15, 2010

By: /s/Theodore F. Shiells/
Theodore F. Shiells
Texas State Bar No. 00796087
CARR LLP
670 Founders Square
900 Jackson Street
Dallas, Texas 75202
Tel: (214)760-3000
Fax: (214) 760-3003
Attorneys for Plaintiff

CERTIFICATE OF CONFERENCE

I hereby certify that on this day, I spoke with Defendant Kenneth O'Kelly, *pro se*, and requested his consent to the present motion. Mr. O'Kelly stated that he would consent if he could participate by telephone, but not otherwise.

Date: October 15, 2010

Theodore F. Shiells
Theodore F. Shiells

CERTIFICATE OF SERVICE

I hereby certify that one (1) true copy of the foregoing document has been served upon Defendants, *pro se*, by means of electronic service, pursuant to the Court's ECF system.

Date: October 15, 2010

/Theodore F. Shiells/
Theodore F. Shiells